

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70 are pending in this application. No claim amendments are presented, thus, no new matter is added.

In the outstanding Official Action, Claims 15-16, 18, 20-23, 25, 27-28, 30, 32, 38-39, 41, 44, 46-47, 49, 51, 56, 59 and 64-70 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,303,393 to Noreen et al. (hereinafter Noreen); Claims 17, 24, 29 and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen in view of U.S. Patent No. 5,627,549 to Park; Claims 42 and 45 were rejected under 35 U.S.C. § 103(a) as unpatentable over Noreen in view of U.S. Patent No. 6,314,094 to Boys; and Claims 40, 43, 48, 50 and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Noreen in view of Park, further in view of U.S. Patent No. 6,282,412 to Lyons.

The Official Action asserts that Noreen teaches all the elements of Claims 15-16, 18, 20-23, 25, 27-28, 30, 32, 38-39, 41, 44, 46-47, 49, 51, 56, 59 and 64-70. Applicant respectfully traverses this rejection.

Independent Claim 15 relates to a mobile device for receiving and processing program-accompanying digital data which are transmitted by a radio transmitter, and which contain location parameters. Specifically, independent Claim 15 recites a mobile device, comprising:

a receiver configured to receive programs and program-accompanying digital data, wherein the programs include at least one of audio data and video data, and ***the program-accompanying digital data includes location parameters;***
a position locating module configured to determine a current geographic position of the mobile device;
a filter module configured to filter location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographical position; and

a communications module configured to transmit the location-specific information from the mobile device to a service center.

Independent Claim 22, while directed to an alternative embodiment, recites substantially similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 15 and 22.

Turning to the applied reference, Noreen describes a mobile terminal with a broadcast receiver, a controller (223) and a data transmitter (211).¹ As described at col. 13, lines 23-33, the controller processes identification information from the program signal received by the broadcast receiver. A user can then place an order by inputting to the mobile terminal a user-input signal, and the controller generates a user data signal from the user-input signal and the identification information.² The user data signal is then transmitted by the data transmitter and relayed through a satellite to a processing center.

In an alternative embodiment, as described at col. 14, lines 1-14 of Noreen, the program signal is transmitted without identification information. The controller then determines the program carrier frequency of the program signal and combines that information with timing information relating to the time of generation of the user input signal, and/or the approximate geographic location of the mobile transmitter, to enable the processing center to determine the program signal to which the user responded by comparing the program carrier frequency and time and location of user response to information on program signals received from other sources.

Noreen, however, fails to teach or suggest a receiver configured to receive programs and program-accompanying digital data, wherein *the program-accompanying data includes location parameters*, as recited in independent Claim 15.

¹ Noreen, Fig. 2.

² Id., col. 13, lines 43-62.

In addressing this claimed feature, the Official Action cites col. 13, lines 44-62 of Noreen, and asserts that the “accompanying advertisements include an identification for sending a request via the mobile device; hence, a location parameter where an order can be sent or submitted to...” However, the cited portion of Noreen simply describes that the identification information included in the received program may include the program-carrier frequency of the program signal, identification of the program signal and particular program to which the user is listening, the identification of the broadcast station, the time of an advertisement, a code identifying the advertisement, or any other information which may be used for identifying the program signal and a particular time and/or advertisement to which a user is responding. None of these parameters, however, may be understood or interpreted as location parameters in the context of the teachings of Noreen. Specifically, at col. 13, lines 29-33, Noreen explicitly states that the identification information is used for identifying the program signal and a particular time and/or advertisement to which a user is responding. At no point does Noreen teach or suggest that the information associated with the received program includes *location parameters*, whatsoever.

Further, Noreen also fails to teach or suggest *a filter module* configured to *filter location-specific information* from the program-accompanying digital data *based at least on the location parameters and the current geographical position*, as recited in independent Claim 15. More specifically, Noreen fails to teach or suggest first determining the current geographic position of the mobile device, and then filtering the location specific information from the received data by comparing the current geographic position to the location parameters included in the received data.

In addressing this claimed feature, the Official Action cites col. 13, lines 15-40 and 63-67 of Noreen, stating that “the processor within the mobile transmitter extracts the signal information related to, i.e., an advertisement, data of interest to a user.” However, simply

extracting a signal related to an advertisement is not analogous to the operation of the filter module, as recited in independent Claim 15. In contrast, Noreen describes a controller that, in response to a command from the user, generates a user data signal as a combination of the user input signal and the identification information received with the program signal. Therefore, according to Noreen, the identification information used for the user-data signal is extracted from the program signal absolutely independently from any location considerations.

It also follows that Noreen fails to teach or suggest “a communications module configured to transmit the location-specific information from the mobile device to a service center,” as recited in independent Claim 15, because Noreen fails to teach or suggest *generating location specific information*, whatsoever.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of independent Claims 15 and 22 (and the claims that depend therefrom) under 35 U.S.C. § 102(b) be withdrawn.

Further, dependent Claims 20 and 27 recite, in part, that “the location specific information is a *URL address*” and the device is configured to “activate a resource in the Internet based on the *URL address*.”

In addressing this claimed feature, the Official Action relies on multiple portions of Noreen, none of which teach or suggest the user of a *URL address* as location-specific information. Therefore, Applicant respectfully submits that Noreen fails to teach or suggest the above noted features of dependent Claims 20 and 27.

Dependent Claims 21 and 28 recite, in part, “executing program data files included in the location-specific information.”

In addressing this claimed feature, the Official Action relies on col. 13, lines 15-67 of Noreen, and states that the processor extracts information from a received signal. However,

this is not analogous to “executing program data files included in the location-specific information,” as recited in dependent Claims 21 and 28.

The Official Action again cites col. 13, lines 15-67 of Noreen in rejecting dependent Claims 41 and 56, which recite that data is transmitted “from the mobile device in accordance with *a short message protocol*.” However, Noreen fails to teach or suggest the use of a *short message protocol*, whatsoever.

Further, dependent Claims 46 and 66 recite that a particular action is performed based on a comparison *between the location parameters and the current geographical position*. In addressing this claimed feature, the Official Action again cites col. 13, lines 15-67 of Noreen, which fails to teach or suggest the above noted comparison step recited in dependent Claims 46 and 66.

Accordingly, for at least the reasons discussed above, Applicant respectfully requests that the rejection of dependent Claims 20, 21, 27, 28, 41, 46, 56 and 66 under 35 U.S.C. § 102(b) be withdrawn.

Regarding the outstanding rejections of Claims 17, 24, 29, 31, 40, 42, 43, 45, 48, 50, 57 under 35 U.S.C. § 103(a) as unpatentable over Noreen in view of a secondary reference. Applicant respectfully traverses these rejections.

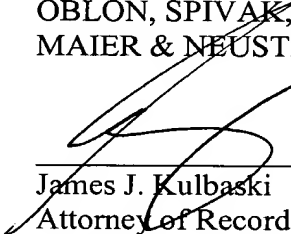
As discussed above, Noreen fails to teach or suggest the above differentiated features recited in independent Claims 15 and 22. Likewise, none of Park, Boys, or Lyons remedy this deficiency, and therefore, none of the cited references, either alone or in combination, teach or suggest Applicant’s Claims 17, 24, 29, 31, 40, 42, 43, 45, 48, 50, 57, which include the above distinguished features by virtue of dependency.

Accordingly, Applicant respectfully requests that the rejection of Claims 17, 24, 29, 31, 40, 42, 43, 45, 48, 50, 57 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70, is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested

Respectfully submitted,

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